

ANIMALS - PLOVERS

Beach opens, quickly closes

Birds decide to call vehicle crossover area home again

By Tamson W. Burgess
MPG Newspapers

PLYMOUTH — Part of Plymouth Long Beach was reopened to recreational vehicles last week, but the reprieve was short lived.

The gate at the crossover was closed again over the weekend when the brood of chicks from the first nest wandered back into the area. The gates will be opened again when monitors are sure the birds have migrated again to an area farther from the vehicle route.

The crossover onto the beach was first closed to vehicles during Memorial Day weekend to protect a newly hatched brood of threatened piping plover chicks. Beach staff carefully monitored the birds for a week. When the plovers finally settled down to a pattern of activity, they were far enough from the crossover to allow vehicles to pass through to the beach again from May 31 to June 6. Then the chicks wandered back toward the passage from the road onto the beach, shutting it down again.

Even during the reprieve, four-wheel-drive owners still couldn't use the beach north of the crossover, but were allowed to drive onto the bayside beach south of the restricted area.

A recent court injunction requires the town to keep a 100 meter area around the chicks free of vehicles to protect the birds.

There are 10 known active nests on the beach. Another was discovered this week, but one of the established nests was destroyed by a predator. Four other pairs are being watched for nest-

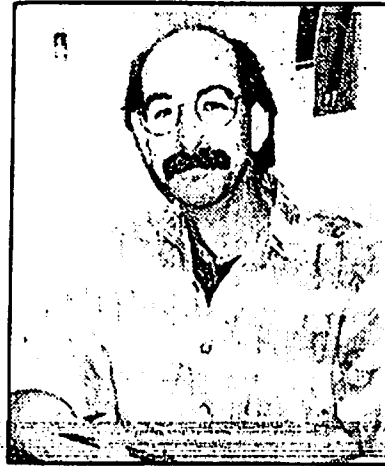
ing behavior, according to natural resources officer Richard Souza.

A nest located well into the dunes hatched on June 8 but isn't expected to cause any further restrictions. Six more nests of eggs are expected to hatch by June 20. Two of those will probably create additional restrictions for four-wheel-drive vehicles on the beach.

One is located just north of the crossover and Souza will use the same plan used for the first nest. The clutch will be carefully monitored. Once the first chick is spotted, anticipated to be about June 13, the crossover will immediately be closed to non-essential vehicles. The babies and parents will be watched and if they end up wandering into another area, the restrictions might be lifted. The town will abide by the minimum protection area required in the federal court order. If the birds remain near the crossover it will remain closed until the birds learn to fly, about a month after they hatch.

The second nest poses different problems. Located south of the crossover in the middle of the peninsula, it may not only restrict vehicles aiming for the bayside beachfront, but fishermen headed for a small parking and fishing spot on the harborside. The fishing site is located within the buffer zone required by the injunction, Souza said, so unfortunately fishermen will not be able to drive out to the site after the chicks in this nest hatch. Souza's staff will again observe the birds to see if they stay near the nest once the chicks are mobile. Souza said he expects those chicks will take the easier route to the water down the slope to the harborside, which will mean vehicular restrictions on fishermen.

The right to fish off the beach is protected by law all the way back to the 1640s and won't be denied



File photo

Richard Souza — More chicks will hatch soon, says natural-resource officer.

by vehicular restrictions, but fishermen may have to make the trek to their favorite fishing spot on foot. Parking is allowed on the south side of the crossover in three different lots even when the gate is closed. Fishermen are exempt from the 9 p.m. beach curfew, but would have to park and walk to the bayside beach at night after the gate is closed. There is another small fishermen's parking lot on the harborside of the beach on town land out near the point, beyond the privately owned cottages. Fishermen can park there as long as the back road to the cottages is not impacted by the birds, but town bylaw prohibits walking through the dunes to get to the bayside beach.

This nest also affects the owners of three private homes on the beach which are located within the protected area around the nest. The property owners will be allowed to drive through the area because they are considered "essential vehicles" under federal guidelines; however, Souza said he will notify the residents about

the chicks and the homeowners' personal liability if they choose to drive through the area. It is a crime to kill or harm a plover or their habitat. Should a property owner hit a bird, the town will not be held liable. The property owner is held responsible, parks department superintendent Douglass Gray said this week.

Selectmen voted last month not to appeal a court ruling on the beach. A federal judge found in favor of the U.S. Fish and Wildlife Service which claimed the town must comply with federal guidelines for protecting the plovers. The town had maintained a program similar to the guidelines but the selectmen had refused to sign an agreement promising to meet all the federal requirements.

That vote not to fight for local control prompted the resignation of a 10-year member of the beach advisory committee. David Greenberg submitted his resignation to selectmen last week. "Recent events have made it clear to me that my membership on the PBAC as a representative of recreational users is no longer needed," Greenberg's letter states. He said the time commitment is not worth it if the town is going to accept the federal guidelines, as recreational use of the beach will continue to become more and more restricted as the number of plovers increases.

The beach advisory committee and selectmen originally voted unanimously to fight the lawsuit. After the ruling came down against the town, the selectmen voted 4 to 1 to end the fight and comply.